APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,183	11/24/2003	Robert Stanley Kolman	10030573-1	7018

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VERIGY, LTD.
IP LEGAL DEPARTMENT
10100 N. TANTAU AVENUE
CUPERTINO, CA 95014-2540

EXAMINER
LE, TOAN M

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/722,183	KOLMAN ET AL.
	Examiner	Art Unit
	TOAN M. LE	2863

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 February 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    <u>Please See Attachment.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/John E Barlow Jr./
Supervisory Patent Examiner, Art Unit 2863

Continuation of 11: Referring to claims 1-20 under 35 USC 103 (a) rejection as being unpatentable over Colby et al. (US Patent No. 6,622,271) in view of Gygi et al. (US Pub. 2003/0235156 A1):

First, regarding the Colby et al. reference, Applicant argues that,

"Applicants respectfully disagree that Colby teaches 'code to receive a valid data option selected through the user interface' as recited in claim 1. The word 'selected' in claim 1 indicates that at least one valid data option is provided for the user to select in order to attempt to address the invalid input…. Rather, Colby merely teaches providing a warning message without suggesting options for the user to select from to remedy the problem. Colby's user must generate the input to remedy the proble without assistance from the program beyond that a problem has been detected."

Answer: First, Figure 1A of Colby reference shows the user interface 72 allowing a user to input test definition to the test definition generator 71 via the mouse 32 or the keyboard 33. Second, Colby discloses "The testing system 10 of Fig. 1 operate as follows. In advance of any testing, an operator at the workstation 16 uses the test definition generator 71 to generate a test definition 73 for the device 12, based on the information from the device design data 46-48 and/or the cell data 41…. If a problem is detected, then a warning message is provided to the operator, so that appropriate adjustments can be made to the test definition 73. After any appropriate adjustments are made, the resulting test definition 73is stored in each of the testers 17 and 18, in particular at 107 and 207, respectively." (col. 11, lines 45-57)

Thus, Figure 1A does show code to receive a valid data option selected through the user interface.

Second, regarding the Gygi et al. reference, Applicant argues,

"Additionally, the Office Action acknowledges that Colby fails to disclose 'upon detection of invalid test definition data, prompt a user to select a valid data option from a set of valid data options; said prompting being undertaken through th user interfaces' as recited in claim 1. In order to address these deficiences, the Office Action urges that Gygi discloses: code to detect invalid test definition data in user input and, upon detection of invalid test definition data, prompt a user to select a valid option from a set of valid data options…. Aplicants respectfully disagree. While Gygi appears to teach prompting a user to select a valid option from a set of valid data options, Gygi fails to teach a) code to detect invalid test definition data in user input and b) prompting a user to select a valid option from a set of valid data options after detecting invalid test definition data.

With respect to a), it is respectfully submitted that no portion of Gygi sufficiently teaches scrutinizing data provided by a user to determine if the data is valid or invalid. The Office Action points out that in paragraph [0048], Gygi teaches definitions of parameters may include ranges of permissible values. However, Applicants respectfully submit that such a teaching does not rise to the level of 'code to detect invalid test definition data' as recited in claim 1. Merely setting the range of permissible values for a parameter as disclosed in Gygi is not equivalent to detecting invalid data. A detecting step typically requires the code to receive that data, consider the data, and make a determination as to the validity or invalidity of the data…. Applicants respectfully submit that Gygi fails to disclose 'code to detect invalid test definition data in user input.

With respect to b), it is respectfully submitted that no portion of Gygi sufficiently teaches prompting a user to select a valid option from a set of valid data options after detecting invalid test definition data. This is true at least in part because of the discussion above with respect to the failure of Gygi to teach code to detect invalid test definition data in user input. Without a teaching of code to detect invalid test definition data, it is not possible for Gygi to teach prompting a user to select a valid option from a set of valid data options after detecting invalid test definition data."

Answer: with respect to a) and b):

Gigi discloses "The invention also includes a flexible command, status and parameter difinition language that permits a test designer to define a wide variety of custom commands, test specific status and test parameters to be supplied by the test operator in starting a selected test vehicle. parameter of test vehicles may be defined in the definition language. Status information unique to a particular test may also be defined by the language. In addition, entire custome commands may be defined by the language. The definitions include types and ranges of permissible values as well as user interface information to prompt the test operator for a desired values." (paragraph [0048])

Thus, Gygi teaches variety of custom commands, test specific status, and test parameters to be supplied to the test operator. Commands, status, and parameters may be defined by the definition language. The definitions include types and ranges of permissible values as well as user interface information to prompt the test operator for a desired values. In other words, if a status or parameter of test definition data is not a correct type or not in a range of permissible values (one would call it as an invalid test definition data), then the user is prompted for a desired values (or a valid test definition data).